



Wisconsin State Senate

John Lehman

Senator — 21st District

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Testimony of Senator John Lehman
Senate Committee on Judiciary, Corrections and Housing
March 6, 2008
Assembly Bill 468

Thank you, Senator Taylor and committee for hearing Assembly Bill 468 today. I'd also like to thank Representative Colon, the author, for his work to advance this legislation through the Assembly and allow us to consider it today.

AB 468 bill clarifies state law to ensure that consumers are clearly apprised of the services a notary public who is not a licensed attorney may and very importantly may not provide. In addition it creates criminal penalties to deal with the unscrupulous few who seek to take advantage of cultural differences and language barriers to exploit people coming to them for services.

These language issues arise most often in the growing Latino population in our state because in many countries "notario" carries a much different meaning. And it is oftentimes the people who are trying to do the right thing, formalize their residency, that become the victims of the misrepresentations of the services a notary public is authorized to provide.

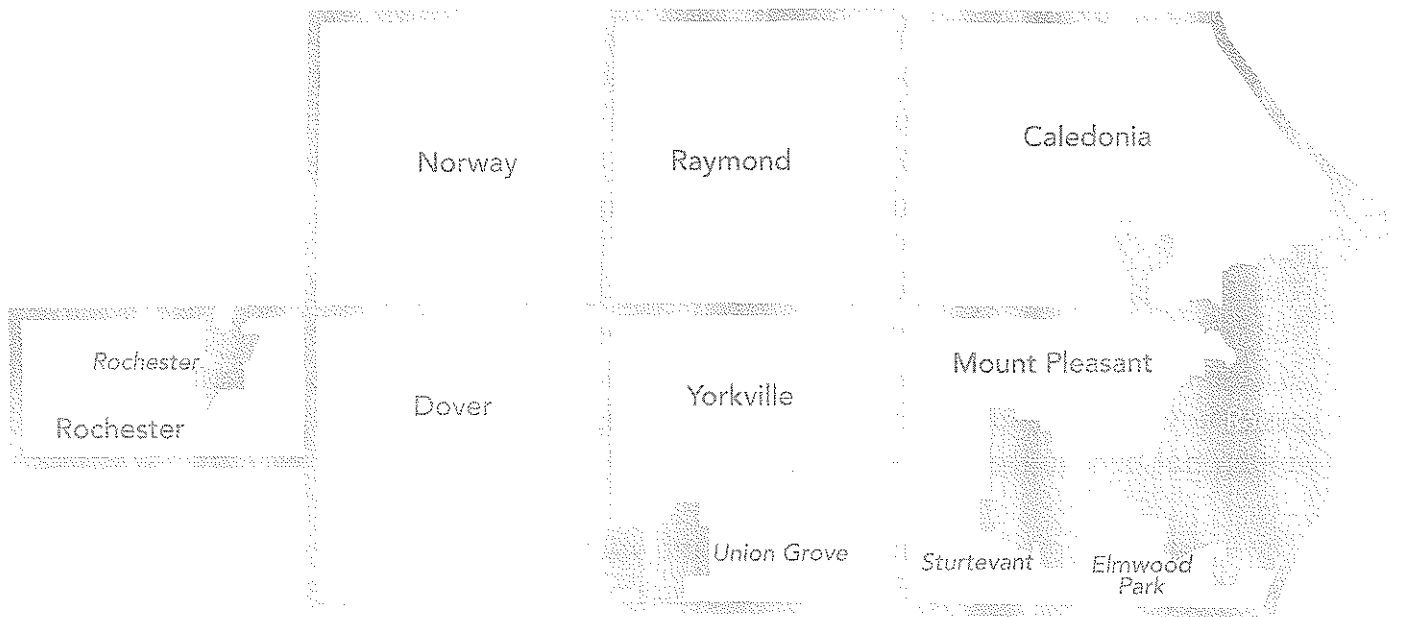
The bipartisan cosponsorship of the bill and wide support it received in the Assembly demonstrates a shared realization that, despite differences we may have on status issues, we can all agree on the importance of protecting people from this kind of scam and cracking down on the perpetrators.

The support of interest groups like the State Bar demonstrates a realization on the part of the impacted professions that these scam artists this bill targets could tarnish the integrity of their profession.

Thank you for your time. With your support we can continue to move this bill forward and protect consumers and those who lawfully offer appropriate notary public services. This is surely a simple thing we should get done this session.

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21ST SENATE DISTRICT





Pedro Colón

STATE REPRESENTATIVE

**Testimony in Support of Assembly Bill 468
Senate Committee on Judiciary, Corrections and Housing**

Thursday, March 6, 2008

2:35pm

411 South

State Capitol

**By
Representative Pedro Colón**

Good morning Chairwoman Taylor and Committee Members. Thank you for allowing me to speak in support of Assembly Bill 468 (AB 468) relating to the topic of notaries public. This bill aims to stop the false advertisement of notaries public who seek to provide services they cannot lawfully supply.

The importance of useful and lawful notaries public encompasses a number of different areas. Not only is it the corner stone of a successful court system but it also provides consumer protection to our citizens.

The only way to relay the importance of notary publics and the seriousness of this issue in relations to the public consumers is to explain the history of notaries public. In the Roman era when people could not write, certain literate and trustworthy citizens were hired to write out important documents such as contracts and wills. This function became known as "Notarius."

When the Roman Empire expanded so did the Notary. The use of notaries expanded through to the Colonial age when merchants on both sides of the Atlantic depended on Notaries as honest third parties.

The common presumption among many is that notary publics are not needed in modern society. It is not the case. Society is more complex than ever, as business, and legal transactions increase. Notaries are needed to ensure the integrity of the transactions. Notaries public serve as the first line of defense against fraud. Without notaries our courts would become overwhelmed with documents that were signed illegally in addition to the already overworked court system.

The changes I propose in AB 468 are the first step to reform. It is important to stop the consumer flow towards fraudulent service and increase the punishment to deter people from taking part in these unethical practices.

Although this bill would serve to protect all consumers it has the largest impact on the Latino community and often immigrant populations. The Latino population has doubled in the state of Wisconsin over the past ten years and has become the largest minority population in the nation.

8th Assembly District

This increase in population has invited fraud perpetrated on unsuspecting consumers. Many people who are victimized by the fraudulent services of so-called "notarios" are immigrants seeking help to legalize their residency. Notaries public who take advantage of cultural differences are exploiting people for their own benefit. Their practices are morally and legally questionable.

Words often used to falsely represent the service include, "notario," "notarizaciones," "notarizamos," or "notario publico." The use of these words often confuses Spanish-speaking residents due to the meaning. In many Latino countries, for example, a "notario" or notary public takes on a different meaning. It is translated to mean attorney. In the United States, as stated in the introduction of the bill a notary public does not have to be an attorney. One only has to fulfill a few minor qualifications. This bill would, provide legal protection to consumers and stop practices of deception, fraudulent services and false advertisement.

Under AB 468, a notary public that is not an attorney cannot:

- State or imply that he or she is licensed to practice law;
- Solicit or accept compensation to prepare documents, represent in a judicial or administrative proceeding in issues relating to immigration to the United States or U.S. citizenship;
- Solicit or accept compensation to obtain relief of any kind on behalf of another person from any officer, agent, or employee of this state, a political subdivision of this state, or the United States;
- Use the phrases "notario," "notarizaciones," "notarizamos," or "notario publico," in any form of advertisement; and
- If the above words are used then it should be posted in the same type size and capital letters "I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN WISCONSIN, AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE."

Failure to meet the above requirements would result in a fine of no more than \$10,000 or imprisoned for not more than 9 months or both. A second offense would conclude in a Class H felony.

Assembly Bill 468 passed the Assembly Committee on Judiciary and Ethics unanimously and was passed on a voice vote in the State Assembly.

It is the wish of my constituents and me to see this bill made into law as I hope it is yours as well. Thank you again for allowing me to speak in support of AB 468 today.

ASSEMBLY BILL 468

An Act to create 137.01 (1) (i), (j) and (k) of the statutes; relating to: notaries public who are not attorneys and providing penalties. (FE)

2007

07-26-07. A. Introduced by Representatives Colon, Zepnick, Albers, Townsend, Hahn, Kessler, Fields, Staskunas, Montgomery, Turner and Sheridan; cosponsored by Senators Lehman, Hansen, Taylor, Miller, Grothman and Coggs.

07-26-07. A. Read first time and referred to committee on Judiciary and Ethics
247

08-10-07. A. Fiscal estimate received.

08-15-07. A. Fiscal estimate received.

2008

01-31-08. A. Public hearing held.

01-31-08. A. Executive action taken.

02-11-08. A. Report passage recommended by committee on Judiciary and Ethics,

Ayes 10, Noes 0 498

02-11-08. A. Referred to committee on Rules 498

02-21-08. A. Placed on calendar 2-26-2008 by committee on Rules.

02-26-08. A. Read a second time 556

02-26-08. A. Ordered to a third reading 556

02-26-08. A. Rules suspended 556

02-26-08. A. Read a third time and passed 556

02-26-08. A. Ordered immediately messaged 556

02-27-08. S. Received from Assembly 626

02-28-08. S. Read first time and referred to committee on Judiciary, Corrections, and Housing.

